

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

JULY 2, 2013

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at the City Hall Building on Tuesday, July 2, 2013, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Jim Newell, Nettie Y. Davis, Buddy Palmer, Mike Bryan and Willie Jennings; City Attorney John S. Hill; and Glenda Muse, Clerk of the Council.

The invocation was led by Mrs. Ann Monaghan, friend of Councilman Jim Newell; followed by the Pledge of Allegiance led by Boy Scouts of Troop 85 and Troop 12.

IN THE MATTER OF ELECTION OF TEMPORARY CHAIRMAN

This being the first meeting of the newly-elected Tupelo City Council, Attorney Hill advised the council members that the first order of business was to elect a Temporary Chairman. Councilman Whittington moved to elect Councilman Jim Newell, and the motion was seconded by Councilman Willie Jennings and unanimously approved by the City Council. Councilman Newell assumed the chair as Temporary Chairman and called the meeting to order.

IN THE MATTER OF ELECTION OF OFFICERS OF CITY COUNCIL PRESIDENT AND VICE-PRESIDENT

Councilman Whittington moved that Councilwoman Nettie Y. Davis be elected President of the Tupelo City Council and that nominations cease. The motion was seconded by Councilman Jennings and unanimously passed by a vote of the council.

Councilman Jennings moved that Councilman Mike Bryan be elected Vice-President of the Tupelo City Council and that nominations cease. The motion was seconded by Councilman Newell and unanimously passed by a vote of the council. Councilwoman Nettie Y. Davis then assumed the Chair as President of the Tupelo City Council.

IN THE MATTER OF CONFIRMATION OR AMENDMENT OF THE AGENDA AND AGENDA ORDER

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

DELETE: Routine Item #7.9
DELETE: Routine Item #7.10

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DELETE: Routine Item #7.16
ADD: Routine Item #7.17
ADD: Item #4.6 – Mayor's Report

4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF GIRL/BOY SCOUTS

Members of two Boy Scout troops had previously been recognized and had led the Pledge of Allegiance earlier in the meeting. Members of Troop 85 sponsored by Harrisburg Baptist Church were Stewart Samples, Ransom Henderson and Hayden Henderson. Joseph West of Troop 12 sponsored by First United Methodist Church was also present. His Merit Badge Counselor is Duke Loden.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

Mayor Shelton stated he wanted to take this special opportunity to recognize Councilwoman Nettie Y. Davis in this historical occasion of having been the first minority and first female to be elected to serve as President of the Tupelo City Council. He expressed appreciation to the Boy Scouts present and, also, thanked every employee of the city and commended them for their service. He pledged to support and work with them in the future term.

IN THE MATTER OF PUBLIC RECOGNITIONS

The following public recognitions were made by Council Members:

Councilman Whittington – Congratulated Councilwoman Davis on her election as President of the City Council. He, also, invited all citizens to come celebrate the 4th of July Celebration on Thursday, July 4, being held for the first time in Fairpark, Tupelo's Front Porch.

Councilman Newell – Recognized Councilwoman Davis on her election as President of the City Council and expressed his appreciation to her and other city employees, including Sally Williams, who had assisted in the swearing-in ceremony and the reception on the previous Monday.

Councilman Jennings – Recognized Mayor Shelton upon his election as Mayor of the City of Tupelo and, also, recognized President Nettie Davis and all those who had assisted at the ceremonies on Monday afternoon.

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Council Members Mike Bryan, Lynn Bryan and Buddy Palmer, also, added their congratulations to Councilwoman Davis for having been selected to serve as President of the Tupelo City Council for the coming year.

**IN THE MATTER OF ADDRESS TO MAYOR AND CITY COUNCIL BY LEE CO.
SHERIFF JIM JOHNSON**

Lee Co. Sheriff Jim Johnson appeared before the Mayor and City Council stating it was an honor to stand before them and to welcome them personally. He said he was looking forward to working with all of them in the future.

**IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “JULY NATIONAL
PARKS AND RECREATION MONTH”**

Mayor Shelton read a proclamation in recognition of “July National Parks and Recreation Month”, and Don Lewis, Director of the Tupelo Parks and Recreation Department, accepted it on behalf of the city. Parks and Recreation programs are an integral part of communities throughout the country, including our own city of Tupelo. They assist in establishing and maintaining the quality of life and ensuring the health of all citizens. In addition, they contribute to the economic and environmental well-being of the entire community and region. In recognition of the importance to the entire country, the U. S. House of Representatives has designated July as “Parks and Recreation Month”. Recognizing the benefits that Tupelo derives from its many parks and recreation resources, Mayor Shelton and the City Council resolve by this proclamation that July be recognized as “Parks and Recreation Month” in the City of Tupelo, Lee County, Mississippi.

IN THE MATTER OF MAYOR’S REPORT

Mayor Shelton stated it was an honor and privilege to be allowed to serve with the City Council and work with other department heads in serving our citizens over the next four years. He gave a brief rundown of the week’s activities. The Mayor had been sworn in at 9:00 a.m. on Monday, July 1, and the City Council had been sworn in at 3:30 p.m. that same day. Again at 5:30 p.m. all were sworn in by Judge Paul Funderburk at a ceremony held at Lawhon School. Mayor Shelton said it was a pleasure to go back to his former school and he expressed appreciation to everyone for indulging his request in that regard. He personally thanked the City Council, Department Heads and citizens for the wonderful support that was shown at this event and the reception following at the Elvis Presley Birthplace. Specifically, he thanked Mr. Dick Guyton, Rhonda Lamb and Blair Hill for going above and beyond the call of duty in this event. He, also, recognized

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Dale Dobbs, Rev. Jerry King, Mr. Williams, Judge Paul Funderburk, and Rev. Gloria McKinney for participating in the swearing-in program. Again, he pledged his support and mutual respect and spirit of cooperation with the members of the City Council. He said he looked forward to working with them and serving the citizens' interests over the next four years.

(President Davis then closed the regular meeting and opened the Public Agenda.)

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

5.1.A LISTING OF LOT MOWINGS

No one appeared to address this matter.

5.2 CITIZEN'S HEARING

**5.2.A DISCUSSION OF BRUSH PICK-UP AND
TREE CUTTING – MR. BILL RUSSELL**

Mr. Russell did not appear.

(President Davis then closed the Public Agenda and the Council returned to regular session.)

6. ACTION AGENDA

**IN THE MATTER OF CONSIDER/ADOPT ORDINANCE ESTABLISHING MEETING
TIMES AND PLACES AND ESTABLISHING THE AGENDA PROCESS FOR THE
MEETINGS OF THE TUPELO CITY COUNCIL**

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously to adopt an Ordinance Establishing Meeting Times and Places and Establishing the Agenda Process for the Meetings of the City Council of the City of Tupelo, Mississippi, a copy being attached to these minutes as **APPENDIX A.** This Ordinance sets forth the procedures for the orderly development of the agenda process and to allow for proper study as well as legal and staff review.

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IN THE MATTER OF REVIEW/ADOPT ROBERTS RULES OF ORDER

Upon a motion by Councilman Newell, seconded by Councilman Palmer, the council voted unanimously to adopt Robert's Rules of Order, Newly Revised, 10th Edition, as the official guide on parliamentary procedures in conducting City Council meetings.

7. ROUTINE AGENDA

IN THE MATTER OF REVIEW/APPROVE HIRING OF CLERK OF COUNCIL

Upon a motion by Councilman Bryan, seconded by Councilman Jennings, the council voted unanimously to approve the hiring of Glenda Muse as Clerk of the Council. Ms. Muse has held this position for the past eighteen years.

IN THE MATTER OF REVIEW/APPROVE SETTING TIME FOR PAYING BILLS

Upon a motion by Councilman M. Bryan, seconded by Councilman Newell, the council voted unanimously to set the time for reviewing and approving payment of bills at 4:30 p.m. each first and third Tuesday of the month prior to the regular City Council meetings.

IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR CITY COUNCIL MEETING

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted as follows to approve the minutes of the regular City Council meeting of Tuesday, June 18, 2013:

VOTING AYE: Whittington, Newell, N. Davis, Jennings
ABSTAINING: L. Bryan, Palmer, M. Bryan

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman Newell, seconded by Councilman Whittington, the council voted unanimously to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members: L. Bryan, Newell, and N. Davis:

Check Nos. 112090 through 112502 (Pool Cash Fund)
Electronic transfers as shown on the face of the docket.

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Invoices as show on the face of the docket.
Requests made by AFLAC to reimburse employees under Flex-One
Plan as shown on the face of the docket.

IN THE MATTER OF REVIEW/APPROVE CHANGING DATE OF REGULAR CITY COUNCIL MEETING OF JULY 16 TO JULY 23, 2013

Due to the scheduled Mississippi Municipal League Conference on July 15 through July 18, 2013, upon a motion by Councilman M. Bryan, seconded by Councilman Palmer, the council voted unanimously to change the regular City Council meeting of Tuesday, July 16, 2013, to July 23, 2013. The meeting time will remain at 6:00 p.m. in Council Chambers, 2nd Floor, City Hall Building, 71 East Troy Street.

IN THE MATTER OF REVIEW/APPROVE PROPOSED BUDGET CALENDAR FOR 2014

Upon a motion by Councilman Jennings, seconded by Councilman L. Bryan, the council voted unanimously to approve Proposed Budget Calendar for 2014, a copy being attached hereto and incorporated into these minutes as **APPENDIX B.**

IN THE MATTER OF REVIEW/APPROVE ESTIMATE/FEE PROPOSAL FOR ENGINEERING SERVICES RELATED TO DEVELOPMENT OF DOWNTOWN QUIET ZONES ALONG RAILROADS

This item was tabled at the May 21, 2013, council meeting and the Chairman recommends that it remain on the table at this time.

IN THE MATTER OF REVIEW/APPROVE AGREEMENT BETWEEN CITY OF TUPELO AND WASTE MANAGEMENT OF MISSISSIPPI, INC. FOR COLLECTION, DISPOSAL AND REMOVAL OF RESIDENTIAL SOLID WASTE AND CURBSIDE RECYCLING

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously to table this issue at this time.

IN THE MATTER OF REVIEW/APPROVE LETTER OF RELEASE OF TRACT 24 AT TUPELO REGIONAL AIRPORT

Josh Abramson, Executive Director, Tupelo Airport Authority, had submitted a letter of release to the City Council for their consideration in the release of Tract 24 at the Tupelo Regional Airport from reservations, restrictions and conditions of

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currently active Grant Agreements between the Federal Aviation Administration (FAA) and the City of Tupelo, Mississippi, and the Tupelo Airport Authority (the "Airport Owners"). This tract was originally included in Airport Improvement Program Project No. 3-28-0070-03-83. The requested purpose of the release is to permit the Airport Owners to dispose or sell this property

for industrial purposes. The property is no longer needed for an aeronautical purpose including serving as noise buffer land or runway protection zone land and the release of Tract 24 will not interfere with the operation, maintenance or future development of Tupelo Regional Airport.

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously to grant the request to have the Letter of Release on this subject property executed on behalf of the City of Tupelo and the Tupelo Airport Authority. An executed copy of this letter is attached to these minutes and incorporated herein as **APPENDIX C.**

IN THE MATTER OF REVIEW/APPROVE REQUEST TO SURPLUS ITEM AND REMOVE FROM FIXED ASSET LIST

Kim Hanna, City Clerk, had submitted a request to the City Council for permission to surplus and remove an asset from the Fixed Asset List, said item being described as Lenova Laptop Thinkpad T500 – Asset #3058. The item is missing and cannot be located. Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve this request and surplus the above described item and remove it from the Fixed Asset List.

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PARKS ADVISORY BOARD AND SPORTS COUNCIL MEETING

Upon a motion by Councilman Newell, seconded by Councilman Palmer, the council voted unanimously to accept the minutes of the Parks Advisory Board and Sports Council meeting of May 14, 2013, a copy being attached to these minutes and incorporated herein as **APPENDIX D.**

IN THE MATTER OF REVIEW/APPROVE LOT MOWING OF PROPERTIES

Councilman Newell moved to approve a listing of lot mowing submitted by the Department of Development Services as being in such a state of uncleanness as to be a menace to public health, safety and welfare of the community, thereby authorizing the department to proceed with mowing of these properties. The motion was seconded by Councilman M. Bryan and unanimously passed by a vote of the City Council. A public hearing had been conducted earlier in the meeting with no one appearing to address the

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issue. A copy of the listing is attached to these minutes and incorporated herein as **APPENDIX E.**

**IN THE MATTER OF REVIEW/APPROVE REQUEST FOR GRANT FUNDS BY
WINFIELD NEIGHBORHOOD ASSOCIATION**

The Winfield Neighborhood Association had submitted a request to the Department of Development Services that they be approved for grant funds in the amount of \$2,638.16. They plan to use these funds for neighborhood improvements. Upon a motion by Councilman Palmer, seconded by Councilman M. Bryan, the council voted unanimously to approve this request and pay this neighborhood association the amount requested.

**IN THE MATTER OF REVIEW/APPROVE REQUEST TO DECLARE PROPERTY
UNSAFE**

B. J. Teal, Director of Department of Development Services, had submitted a memorandum dated June 26, 2013, to the Mayor and City Council requesting that the Trace Inn located at 3400 West Main Street be declared as structurally unsound and in danger of imminent collapse. According to Ms. Teal's letter, Century Construction wishes to proceed with the demolition of this single-story structure using a "wet abatement procedure" for the abatement of the confirmed asbestos present in the structures to deter friability of asbestos fibers. The Mississippi Department of Environment Quality (MDEQ) will approve demolition of a building without prior removal of asbestos when regulated amounts of asbestos are present if a government order is issued due to the facility being structurally unsound and in danger of imminent collapse.

Upon a motion by Councilman Newell, seconded by Councilman M. Bryan, the council voted unanimously to grant this request, hereby declaring the Trace Inn structures located at 3400 West Main Street, Tupelo, Mississippi, to be structurally unsound and in danger of imminent collapse. A copy of a request for this action from MDEQ is attached to these minutes and incorporated herein as **APPENDIX F.**

8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS NEW CITY ZONING MAP

This item will remain on the Study Agenda for further study.

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IN THE MATTER OF ADJOURNMENT

There being no further action to come before the City Council, upon a motion by Councilman Newell and a second by Councilman Whittington, the council voted unanimously to adjourn the regular City Council meeting at 6:35 p.m.

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR